

### **REMARKS**

Pursuant to this paper, claims 51-65 are pending in the application. Claims 3-5 and 26 were previously canceled. Claims 1, 2, 6-25 and 27-50 are canceled herein. New claims 51-65, are added herein.

Support for new claim 51 and 52 is found, e.g., in FIGS. 10A, 10B and 10C and referenced SEQ ID NOS (see also originally filed claims 1 and 9). Support for new dependent claims 53 and 54 is found, e.g., in FIG. 10B and referenced SEQ ID NOS (see also originally filed claims 1 and 9). Support for new dependent claims 55 and 56 is found, e.g., in FIG. 10A and referenced SEQ ID NOS (see also originally filed claims 1 and 9). Support for new dependent claims 57 and 58 is found, e.g., in FIG. 10C and referenced SEQ ID NOS (see also originally filed claims 1 and 9). Support for new claims 59 and 60 is found, e.g., in FIGS. 10A and 10B and referenced SEQ ID NOS (see also originally filed claims 1 and 9). Note that SEQ ID NO references were added to the figures by the Amendment filed November 23, 2009. Support for each of new dependent claims 61-65 is found, e.g., at ¶¶60-61 of the originally filed specification.

The number of claims pursuant to this paper is within that already paid for by Applicant. However, if for any reason said payment is deemed insufficient, please charge Deposit Account No. 02-2275 for any balance deemed to be due.

No new matter has been added by any of the amendments made herein.

#### **I. Objections to the Specification Under the Sequence Rules**

The specification was objected to as allegedly not complying with the requirements of the sequence rules for not providing a Sequence Listing, and the Office Action refers to a "Notice to Comply" issued in connection therewith. (Office Action, ¶5.)

Applicant has carefully reviewed the prosecution file and wishes to point out that a compliant Sequence Listing (paper and CRF form) was properly filed in the referenced application with mail room date December 6, 2006 and appears as such in the online PAIR record for the application. Accordingly, Applicant believes that the present objection may have been inadvertently rendered and respectfully requests its withdrawal.

## **II. Objections to the Claims**

Claims 1, 2, 6-25 and 27-50 were objected to for reciting the term “a purified attenuated mutant” and the Examiner suggested replacing said term with “an isolated antibody fragment” or a “purified antibody fragment.” (Office Action, ¶7.)

In response, Applicant wishes to point out that the previously pending claims have been canceled and the currently pending claims now recite “an isolated monoclonal antibody or fragment thereof,” consistent with the Examiner’s requirement.

In view of the foregoing reasons, withdrawal of the objection to the claims is respectfully requested.

## **III. Claim Rejections under 35 U.S.C. §112, First Paragraph: Written Description Requirement, new matter**

A. Claims 1, 2, 6-25 and 27-50 were rejected as allegedly not complying with the written description requirement of 35 U.S.C. §112, first paragraph, since, allegedly, “one species of antibody disclosed by the specification is not a sufficient number of representative species for the claimed subgenus of antibodies . (Office Action, ¶¶13-15.)

The present rejection of the claims is overcome for the following reasons.

The previously pending claims have been cancelled and the currently pending claims are now directed to isolated monoclonal antibodies or fragments thereof that include specific V<sub>L</sub> or V<sub>H</sub> domain amino acid sequences disclosed in the originally filed specification.

In view of the foregoing reasons, withdrawal of the present rejection of the claims under 35 U.S.C. §112, first paragraph, is respectfully requested.

B. Claims 1, 2, 6-25 and 27-50 were rejected as allegedly not complying with the written description requirement of 35 U.S.C. §112, first paragraph, for allegedly containing new matter for reciting “a non-catalytic, non-chimeric” monoclonal antibody. (Office Action, ¶¶16-17.)

The present rejection of the claims is overcome for the following reasons.

The previously pending claims have been cancelled and the currently pending claims do not recite the objected-to limitation. Instead, the present claims recite isolated monoclonal antibodies or fragments thereof that include specific V<sub>L</sub> or V<sub>H</sub> domain amino acid sequences disclosed in the originally filed specification.

In view of the foregoing reasons, withdrawal of the present rejection of the claims under 35 U.S.C. §112, first paragraph, is respectfully requested.

**IV. Claim Rejections under 35 U.S.C. §102(b) or in the alternative §103(a)**

Claims 1, 2, 6-8, 15-23, 27-29, 36-42 and 47-50 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,309,880 to Chang, as evidenced by Gorny MK *et al.* (J. Virology, 76(18):9035-9045, 2002), further evidenced by Bost (Immunological Investigations, 17(6&7):577-586, 1988), Golding, H. *et al.* J. Exp. Med., Mar 1988; 167: 914 — 923; and Langat DK, *et al.* (J Reprod Immunol. 1999 Jan;42(1):41-58). (Office Action, ¶20-25.)

The present rejection of the claims is overcome for the following reasons.

The previously pending claims have been cancelled and the currently pending claims are now directed to isolated monoclonal antibodies or fragments thereof that include specific V<sub>L</sub> or V<sub>H</sub> domain amino acid sequences disclosed in the originally filed specification. None of these specific binding sequences are disclosed in the cited references. Moreover, no combination of the cited references would result in the presently claimed invention. Accordingly, the presently claimed invention is neither anticipated nor obvious over the cited references alone or in combination.

In view of the foregoing reasons, withdrawal of the present rejection of the claims under 35 U.S.C. §102(b) and in the alternative 35 U.S.C. §103(a) is respectfully requested.

**V. Claim Rejections under 35 U.S.C. §103(a)**

A. Claims 1, 2, 6-25, 27-35, 38, 39 and 43-49 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,309,880 to Chang, Bermas (AIDS Res. and Human Retroviruses, 10(9):1071-1077, 1994), and Gorny MK *et al.* (J. Virology, 76(18):9035-9045, 2002). (Office Action, ¶28-36.)

The present rejection of the claims is overcome for the following reasons.

The previously pending claims have been cancelled and the currently pending claims are now directed to isolated monoclonal antibodies or fragments thereof that include specific V<sub>L</sub> or V<sub>H</sub> domain amino acid sequences disclosed in the originally filed specification. None of these

specific binding sequences are disclosed in the cited references. Moreover, no combination of the cited references would result in the presently claimed invention. Accordingly, the presently claimed invention is neither anticipated nor obvious over the cited references alone or in combination.

In view of the foregoing reasons, withdrawal of the present rejection of the claims under 35 U.S.C. §103(a) is respectfully requested.

### **CONCLUSION**

Applicant respectfully submits that pending claims 51-65, are in condition for allowance. Prompt and favorable reconsideration and allowance of all pending claims is respectfully requested. The Examiner is invited to contact the undersigned to discuss any matter in this application.

Pursuant to 37 C.F.R. §1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. It is believed that no fees other than those paid concurrently are due in connection with the filing of this paper. However, should it be deemed that any other fee is due in connection with this paper, authorization is hereby given to charge such fee to Deposit Account No. 02-2275.

Respectfully submitted,

**LUCAS & MERCANTI, LLP**

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**CUSTOMER NO. 20311**

By: /Barry Evans/ Reg. No. 22,802  
Barry Evans  
Reg. No. 22,802